

App. No. 10/734,495
Attorney Docket Number: 205017-9012

REMARKS

Claims 1-41 are pending in the present application. New claims 42 and 43 have been added to further define the invention and are supported by the specification at p. 4, lines 8-17 and Figures 3 and 4.

Claims 1, 2, 5-7, 13-23, 26, 28, 31-35 and 37-39 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,450,302 ("Lyons"). In particular, the Examiner asserts that *Lyons* discloses:

a slack adjuster ... comprising: a body 22 defining a cavity (see Fig. 4) and including a lip, the lip defines a top end of the cavity; ... and a boot (lies on centerline 114) including a bellows, a first seal integral with the bellows on a first end of the bellows, ... a second seal integral with the bellows on a second end of the bellows and including a boss, ... the boss being engageable with the lip of the body.

Applicant respectfully traverses this rejection.

Contrary to the Examiner's assertions, Figure 4 of *Lyons* does not show a cavity within the body of the slack adjuster. Moreover, even if it were assumed that there is a cavity within the body, Figure 4 does not disclose or suggest a lip at the top of such cavity. In addition, it cannot be determined from Figure 4, or elsewhere in the patent, whether the boot has a seal with a boss or if any portion of the boot is inserted into the body of the slack adjuster. Figure 4 of *Lyons* is reproduced below and shows a slack adjuster (10) with a boot positioned on an outer link (98). Only the exterior profile of the body (22) is shown in phantom lines for reference, as may be confirmed by a comparison to the side elevation view of Figure 1.

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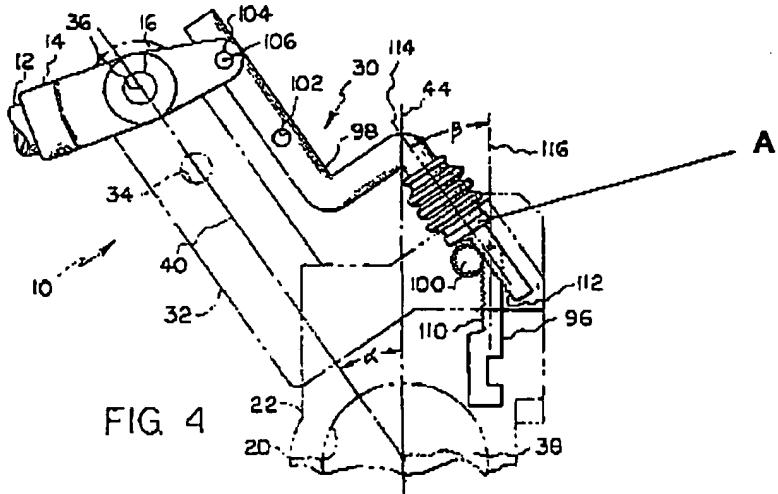


Figure 4 does not depict any part of the interior configuration of the housing (22). Thus, Figure 4 does not show a slack adjuster having a "body defining a cavity," as set forth in independent claims 1, 5 14, 26 and 31, nor does it show the "body" of the slack adjuster including a "lip," as set forth in independent claims 1, 5 14, 26. Furthermore, the boot is not referenced numbered in Figure 4 or in any of the other drawings in *Lyons*, nor is the boot discussed in the specification of the patent. Thus, there is no basis for the Examiner's assertion that *Lyons* discloses a boot having a "second seal" with a "boss," as set forth in independent claims 1, 14 and 26. For the same reasons, *Lyons* does not teach or suggest a boss that is "engageable ... with the lip," as set forth in claims 1, 5, 14 and 26.

Figure 4 depicts a structure (marked "A" in the above reproduction of Figure 4) that may conceivably be interpreted to be a "boss." However, Figure 4 does not provide any indication whether structure "A" is part of the boot or part of the link (98) that ends in a toothed rack (112). Furthermore, structure "A" is not referenced numbered in any of the drawings, nor is it discussed in the specification of *Lyons*. Thus, even if structure "A" is considered to be a "boss," there is no

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evidence that structure "A" forms part of the boot. Indeed, it cannot even be determined whether portions of the boot are inserted into a body cavity, as described in claim 31.

Accordingly, independent claims 1, 5, 13, 26 and 31 are not anticipated by *Lyons*.

Claims 2, 6, 7, 14-23, 28, 32-35 and 37-39 are all variously dependent on claims 1, 5, 13, 26 and 31, and therefore, are also patentable over *Lyons*.

Claim 4, 8, 9, 11, 12, 24, 25, 27, 29, 36 and 40 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Lyons* in view of U.S. Patent No. 4,380,276 ("Sweet *et al.*"). In particular, the Examiner asserts that *Sweet et al.* discloses a seal having "two projections engageable with a link 75 and wipe against a surface of the link when the link moves" and that it would have been obvious to modify the seal of *Lyons* as taught by *Sweet et al.* Applicant respectfully traverses this rejection.

As discussed above, *Lyons* fails to disclose a boot having a "seal" with a "boss," nor does *Lyons* teach or suggest a boot that is either "engageable ... with the lip" or even inserted into the body of the slack adjuster, as variously set forth in independent claims 1, 5, 14, 26 and 31.

Sweet et al. discloses a slack adjuster with a boot (86) positioned *outside* of the body (35) and that is connected to a metal insert (85) extending from the body. (See e.g., Figure 5.) Thus, *Sweet et al.* also fails to disclose a boot having a "seal" with a "boss," where the boot is inserted into the body of the slack adjuster and is "engageable ... with the lip of the body," as variously set forth in independent claims 1, 5 14, 26 and 31.

Accordingly, independent claims 1, 5, 13, 26 and 31 are not obvious in view of *Lyons* and *Sweet et al.* Claims 4, 8, 9, 11, 12, 24, 25, 27, 29, 36 and 40 are all variously dependent on claims 1, 5, 13, 26 and 31, and therefore, are also patentable over *Lyons* in view of *Sweet et al.*

In addition, contrary to the Examiner's assertions, *Sweet et al.* does not disclose a seal having projections that "wipe against a surface of the link." *Sweet et al.* only describes a "link

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seal 84 [that] permits the link to reciprocate within the opening 79 while preventing contaminants from entering the opening 79." (Col. 5 - line 67 - col. 6, line 2.) The specification of *Sweet et al.* does not provide any description of the specific structure or operation of the link seal (84). Furthermore, the drawings of *Sweet et al.* appear to show the link seal (84) as a single thick ring. (See e.g. Figure 5.) Accordingly, *Sweet et al.* fails to disclose "two projections [that] wipe against a surface of the link when the link moves" as set forth in claim 12 of the present application.

Claims 3, 10, 30 and 41 stand rejected under 103(a) as being unpatentable over *Lyons* in view of U.S. Patent No. 4,895,226 ("*Berg et al.*"). In particular, the Examiner asserts that *Lyons* discloses "bellows [that] includes three expandable folds" and that it would have been obvious to modify the bellows of *Lyons* as taught by *Berg et al.* Applicant respectfully traverses this rejection.

As discussed above, *Lyons* fails to disclose a "body defining a cavity" and including a "lip," as variously set forth in independent claims 1, 5 14, 26 and 31. In addition, *Lyons* fails to disclose a boot having a "seal" with a "boss," nor does *Lyons* teach or suggest a boot that is either "engageable ... with the lip" or even inserted into the body of the slack adjuster, as variously set forth in independent claims 1, 5, 14 and 26.

Berg et al. discloses a slack adjuster with a boot (26) positioned *outside* of the housing (16). (See e.g., Figure 2.) Thus, *Berg et al.* also fails to disclose either a "body defining a cavity" and including a "lip," or a boot having a "seal" with a "boss," where the boot is "engageable ... with the lip," as variously set forth in independent claims 1, 5 14, 26 and 31.

Accordingly, independent claims 1, 5, 13, 26 and 31 are not obvious in view of *Lyons* and *Berg et al.* Claims 3, 10, 30 and 41 are all variously dependent on claims 1, 5, 26 and 31, and therefore, are also patentable over *Lyons* in view of *Berg et al.*

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CONCLUSION

In view of the foregoing, applicant respectfully submits that claims 1-41 are patentable over the prior art. Should the Examiner believe that a conversation with applicant's representative would be useful in the prosecution of this case, the Examiner is invited to call applicant's representative at the number listed below.

Respectfully submitted,

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